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Federal Agencies

September 22, 2004

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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Art Unit 1648

Re: Allowed U.S. Utility Patent Application
Appl. No. 09/688,371; Filed: October 12, 2000
(Patent No. 6,797,506; To Be Issued: September 28, 2004)
For: **Recombinant, Replication Defective CELO Virus and CELO Virus DNA**
Inventors: Cotten *et al.*
Our Ref: 0652.2150001/EKS/PAJ

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Letter Regarding Determination of Patent Term Adjustment; and
2. One return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents
September 22, 2004
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The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

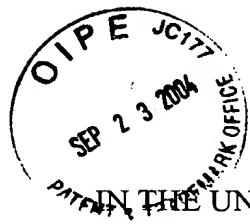
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Cotten *et al.*

Appl. No.: 09/688,371

Filed: October 12, 2000

For: **Recombinant, Replication Defective
CELO Virus and CELO Virus DNA**

Confirmation No.: 5877

Art Unit: 1648

Examiner: Foley, Shanon A.

Atty. Docket: 0652.2150001/EKS/PAJ

Letter Regarding Determination of Patent Term Adjustment

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Mail Stop Petitions

Sir:

Upon reviewing the "Determination of Patent Term Adjustment under 35 U.S.C. 1.54(b)" ("Determination") on the Issue Notification for the above-identified application and discussing the Determination with Kerry Fries of the Office of Patent Legal Administration, there appears to be an error in the calculation of the patent term adjustment. The Determination indicates that the patent term adjustment as of the September 28, 2004 issue date is 244 days. The undersigned believes the term adjustment to be different than indicated and requests that the Patent and Trademark Office review its records to recalculate the patent term adjustment.

The undersigned believes that any duty to disclose the error in calculation to the Patent and Trademark Office has been satisfied by the above.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Peter A. Jackman
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Date: Sept. 22, 2004

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